

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDY MAESTAS,

Plaintiff,

v.

C.S.A.T.F. PRISON,

Defendant.

Case No. 1:23-cv-419-JLT-EPG (PC)

ORDER ADOPTING IN FULL
FINDINGS AND RECOMMENDATIONS
TO DISMISS ACTION WITH PREJUDICE,
AND DIRECTING THE CLERK OF COURT
TO CLOSE THE CASE

(Doc. 15)

Randy Maestas seeks to hold several correctional officers liable for violations of his civil rights including interference with mail, denial of toilet paper, denial of a request for correctional officer's badge and subsequent triggering of an alarm code and removal of Plaintiff from the "chow hall," and use of excessive force. (*See generally* Doc. 13.)

The magistrate judge screened Plaintiff's First Amended Complaint pursuant to 28 U.S.C. §§ 1915 & 1915A and found Plaintiff failed to state a cognizable claim upon which relief may be granted. (Doc. 15.) The magistrate judge found Plaintiff should not be given further leave to amend, because the Court provided the applicable legal standards and he failed to cure identified pleading deficiencies. (*Id.* at 8.) Therefore, the magistrate judge recommended the FAC be dismissed with prejudice and the case be closed. (*Id.* at 9.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 30 days. (*Id.*) The Court advised him that the "failure to file objections within the specified time may

result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS:**

1. The Findings and Recommendations issued on January 18, 2024 (Doc. 15) are **ADOPTED** in full.
 2. This case is **DISMISSED**, with prejudice, for failure to state a claim.
 3. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: **February 22, 2024**

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE